S.B.CRIMINAL MISC. BAIL APPLICATION NO.2443/2006

Date : 05.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel for the applicant is that in the instant case complainant Smt. Saroj cannot be trusted for the reason that earlier also she lodged false FIR under Sections 323 and 498A IPC and in that case she admitted the fact that on account of persuasion of her husband, she lodged false report against the accused applicant and demanded a sum of Rs.50,000/-. Learned counsel submits that in the present case also the complainant has made allegation that she was molested and attempt was made by accused-applicant to commit rape with her. He also placed on record a photostat copy of the judgment given by the learned Chief Judicial Magistrate, Sri Ganganagar dated 12.06.2006 (State Vs. Manoharlal) wherein the accused Manoharlal has been acquitted.

On the other hand, learned Public Prosecutor has

opposed the bail application.

After giving thoughtful consideration to the submissions made by learned counsel for the parties, I am of the opinion that the accused applicant has been able to make out a case for granting him anticipatory bail.

Without expressing any opinion on the merit of the case and taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, the bail application is granted and it is directed that in the event of arrest of applicant Radhey Shyam son of Pat Ram by I.O./S.H.O. in FIR No.33/2006 P.S. Mahila thana, Sri Ganganagar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.